HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 971 of 2006

Satish Chhawara w/o Shri Hemraj Chhawara R/o R.R. Quarter, Police Station, Rudrapur, District Udham Singh Nagar .... Applicants

Versus

1. State of Uttaranchal
2. Sanjay Growar s/o late C.r. Growar R/o D.C.M. Gali, Main Bazar, Rudrapur, District Udham Singh Nagar .....Respondents

Dated: 30.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri Sanjeev Singh counsel for the applicant and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicant has prayed for quashing of the proceedings of Criminal Case No. 2787 of 2006, State vs. Satish Chhawara and others under section 325, 504, 506 I.P.C. pending in the Court of Chief Judicial Magistrate, Rudrapur.

Sri Lalit Belwal, counsel for the applicant has submitted that the doctor has mentioned in the injury report that the injury was caused due to fall from the bike when in fact there was no such proof before the doctor.

No interference is required at this stage and it will be open for the applicant to take the defence at the trial stage before the Court concerned. So far the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. as the charge sheet has already been

submitted and it will be open for the parties to lead evidence at the trial stage. However, in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269, no interference can be made under section 482 Cr.P.C.

In view of the above observations, application under Section 482 Cr.P.C. is dismissed.

Rajesh Tandon, J.

Dated: 30.11.2006
*Dhyani